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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

BOBBY D. SEAY,  
Petitioner,

v.

TERRY O'BRIEN  
Respondent.

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Civil Action No. 7:09CV00361

**ORDER**

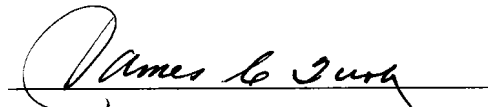
By: Hon. James C. Turk  
Senior United States District Judge

In accordance with the accompanying Memorandum Opinion, it is hereby

**ADJUDGED AND ORDERED**

that Respondent's Motion to Dismiss (Dkt. No. 11) is **GRANTED**. Accordingly, Petitioner's 28 U.S.C. § 2241 Petition (Dkt. No.1) is **DENIED**. The Clerk of Court is directed to strike the matter from the court's active docket and to send a copy of this final order and accompanying memorandum opinion to Petitioner and counsel of record for the Respondent.

ENTER: This 9<sup>th</sup> day of March, 2010.

  
Senior United States District Judge